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Before the
Federal Communications Commission
Washington, D.C. 20554

JUL 17 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

ORIGINAL

In the Matter of)
)
Amendment of Section 73.606(b)) MM Docket No. _____
TV Table of Allotments) RM-
TV Broadcast Stations)
(Ogden, Utah))

To: Chief, Allocations Branch

PETITION FOR RULEMAKING

Community Television Educators ("CTE" or "Petitioner"), by its attorney, and pursuant to Section 1.401 of the Commission's rules and *Public Notice*, DA 99-2605 (released November 22, 1999) ("Mass Media Bureau Announces Window Filing Opportunity for Certain Pending Applications and Allotment Petitions for New Analog TV Stations") ("*Window Filing Notice*"),¹ hereby requests that the Commission institute a rulemaking proceeding for the purpose of amending the TV Table of Allotments to substitute non-commercial Channel 54 for the existing non-commercial Channel 18 allotment at Ogden, Utah. Accordingly, Petitioner proposes to amend Section 73.606(b) of the Commission's rules as follows:

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¹ On March 9, 2000, the Commission extended the window filing period until July 15, 2000. See *Public Notice*, 15 FCC Rcd 4974 (2000) ("Window Filing Opportunity For Certain Pending Applications and Allotment Petitions For New Analog TV Stations Extended to July 15, 2000").

<u>City</u>	<u>Present</u>	<u>Channel No.</u> <u>Proposed</u>
Ogden, Utah	*18	*54

In support of this request, the following is stated:

CTE currently has an application pending for a new non-commercial NTSC television station to operate on non-commercial Channel 18 at Ogden, Utah (File No. BPET-961118KE). As demonstrated in the attached engineering statement of Keith J. Leitch, the proposed non-commercial Channel 18 operation at Ogden is short-spaced to Station KUWB-DT, Ogden, Utah. *See Engineering Statement.*

As a result, pursuant to the *Window Filing Notice*, Petitioner requests that the FCC amend the TV Table of Allotments by substituting non-commercial Channel 54 in lieu of non-commercial Channel 18 at Ogden. Petitioner's transmitter site for the proposed allotment at Ogden would be fully-spaced to all other NTSC and DTV stations or allotments.² Also, as demonstrated in Mr. Leitch's attached engineering statement, from the transmitter site proposed in CTE's pending application, the proposed non-commercial Channel 54 NTSC operation at Ogden would not cause harmful interference to any other NTSC station or digital station/allotment. *See Engineering Statement, Exhibit RM-1 and RM-2.*

In light of the above, Petitioner requests that the Commission amend the TV Table of Allotments to substitute non-commercial Channel 54 for non-commercial Channel 18 at Ogden, Utah. In the event non-commercial Channel 54 is allotted to Ogden, Petitioner will amend its

² The reference coordinates for the proposed allotment are North Latitude: 41° 13' 23"; West Longitude: 111° 58' 24".


pending application in accordance with the Report and Order issued in this proceeding to specify the new channel, and modify its technical proposal as necessary so that the proposed non-commercial Channel 54 NTSC facility will not cause harmful interference to any other television station. In the event its application is ultimately granted, CTE will promptly construct and operate the new facility.

WHEREFORE, in light of the foregoing, Petitioner respectfully requests that the Commission GRANT this petition for rulemaking, AMEND the TV Table of Allotments, and SUBSTITUTE non-commercial Channel 54 for the existing non-commercial Channel 18 allotment at Ogden, Utah.

Respectfully submitted,

COMMUNITY TELEVISION EDUCATORS

July 17, 2000

By: 
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11645.PET-RM/OGDEN 071700

WES, INC.
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El Paso, TX 79912

505-589-2224

**ENGINEERING EXHIBIT
PETITION TO MODIFY THE TABLE OF
ALLOTMENTS TO SPECIFY A
DISPLACEMENT CHANNEL TO
SUBSTITUTE FOR OGDEN, UT
CHANNEL 18**

July 16, 2000

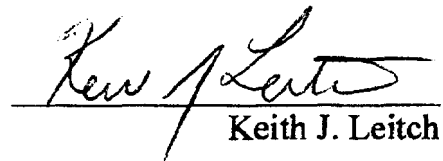
ENGINEERING STATEMENT

Wes, Inc.

DECLARATION

I, Keith J. Leitch declare and state that I am a Certified Broadcast Engineer, by the Society of Broadcast Engineers, and my qualifications are a matter of record with the Federal Communications Commission, and that I am an engineer in the firm of Wes, Inc., and that the firm has been retained to prepare an engineering statement on behalf of Community Television Educators.

All facts contained herein are true to my knowledge except where stated to be on information or belief, and as to those facts, I believe them to be true. All Exhibits were prepared by me or under my supervision. I declare under penalty of perjury that the foregoing is true and correct.


Keith J. Leitch

Executed on the 16th day of July, 2000

Narrative Statement

I. GENERAL

This engineering report has been prepared on behalf Community Television Educators in support of its request for a displacement channel (Channel 54) for its pending application for Channel 18 in Ogden, UT (BPET961118KE)

II. ENGINEERING DISCUSSION

The applicant originally applied for a construction permit on channel 18 in Ogden, UT. The applicant is precluded from going on Channel 18 due to interference to KUWB-DT Ogden, UT Digital Channel 17, 75.2 kilometers away. The required distance separation for an adjacent digital to NTSC station is either closer than 12 kilometers or farther than 106 kilometers. There are several NTSC applications for Provo, UT on Channel 32 (+14 taboo) at the same site as KUWB-DT which would preclude the applicant from co-locating with KUWB-DT Digital Channel 17. The applicant must therefore move to channel 54 in order to not cause interference to KUWB-DT.

The applicant proposes the same site as the Commission assigned for the city co-ordinates for Ogden, UT:

North Latitude: 41° 13' 23"

West Longitude: 111° 58' 24"

It is proposed to amend Section 73.606(b) of the Commission's rules, NTSC Table of Allotments, to allot Channel 54 (710-716 MHz) for the NTSC television operation of Community Television Educators as demonstrated below. The proposed Channel 54 NTSC operation at Ogden, UT will not cause any harmful interference to any other analog NTSC or DTV station or allotments exceeding the Commission's guidelines. Ogden, UT Channel 54 would provide additional service to a population of 999,271 people if operated from an available site as a maximum facility. The proposed NTSC Channel 54 has site availability.

Analog NTSC TV Allocation Situation

The attached Exhibit RM-2 demonstrates that Channel 54 **is free of any short spacing to any other NTSC stations.**

Class A Situation

A complete study of all Class A LPTV stations has been conducted. Channel 54 will not cause any interference to any protected Class A stations.

DTV Allocation Situation

The attached Exhibit RM-1 lists all digital allotments that must be considered within 429 kilometers of the proposed rule making. There are none.

III. Summary

The applicant must change channel from Channel 18 to channel 54 in order to avoid interference to digital television. On channel 54 it will not cause any interference to any NTSC stations or to any Digital stations.

**Exhibit RM-1
Ogden, UT**

July 16, 2000

by WES, Inc. Broadcast Consultants

Spacing study to Digital TV on Ogden's newly proposed Channel 54

Study Location:
Ogden, UT Channel 54

NTSC Study Station, Transmitter Coordinates: 41-13-23 N 111-58-24 W

Study distance: 429 km

NTSC TO DTV STUDY RESULTS

City of License ST Chan Bearing Distance Req. Dist Diff.

Station is in the clear!

Exhibit RM-2
Ogden, UT
July 16, 2000
by WES, Inc. Broadcast Consultants

Spacing study to NTSC TV on Ogden's newly proposed Channel 54

***** TV CHANNEL SPACING STUDY *****

Job title: Ogden

Latitude: 41 13 23

Channel: 54

Longitude: 111 58 24

Database file name: tv000117.edx

CH	Call	Record No.	City	ST	Z	STS	Bear.	Dist.	Reqd. Dist.	Result
46	KJZZTV	11869	SALT LAKE CITY	UT	2		197.1	65.5	31.4	34.1

***** End of channel 54 study *****